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By: **The Minority Leader (By Request - Administration) and Delegates**  
**Rawlings, Redmer, Bohanan, Amedori, Aumann, Bartlett, Bates,**  
**Boschert, Boteler, Boutin, Branch, Dwyer, Elliott, Frank, Fulton,**  
**Glassman, Hogan, Hutchins, Impallaria, Jennings, Kach, Krebs,**  
**Leopold, McComas, McConkey, McDonough, McMillan, Myers, Oaks,**  
**O'Donnell, Parrott, Rzepkowski, Schisler, Shank, Smigiel, Sossi,**  
**Stocksdale, Trueschler, Walkup, and Weldon**

Introduced and read first time: February 7, 2003  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Charter School Act of 2003**

3 FOR the purpose of establishing certain public school chartering authorities;  
4 establishing the rights and duties of the public school chartering authorities;  
5 enabling the public school chartering authorities to grant charters for public  
6 charter schools; establishing the entities that may or may not apply for a  
7 charter; establishing an application process for charter schools; permitting  
8 existing public schools to convert to public charter schools under certain  
9 circumstances; allowing for the establishment of new public charter schools;  
10 establishing an appeals process for applicants who have been denied a charter;  
11 requiring certain charter agreements between the public charter schools and the  
12 county boards; establishing certain rights and duties of public charter schools;  
13 establishing an admissions policy for public charter schools; prohibiting the  
14 charging of tuition and certain fees at public charter schools; authorizing the  
15 State Board or the county boards to grant public charter schools certain waivers  
16 under certain circumstances; requiring the State Board and the county boards to  
17 designate certain funds for students who attend public charter schools;  
18 requiring certain employees at public charter schools to possess appropriate  
19 Maryland certification or qualified alternative certification; requiring the  
20 Department of Education to conduct certain assessments of public charter  
21 schools; requiring public charter schools to submit certain reports; authorizing  
22 negotiations between the public charter schools and the county boards;  
23 guaranteeing certain rights for employees of public charter schools; establishing  
24 a general grievance and appeals process for certain persons; requiring the  
25 county boards to grant initial charters for up to a certain number of years;  
26 exempting public charter schools from certain local and State laws and  
27 regulations; providing that the county boards may renew charters for  
28 subsequent periods for up to a certain number of years; establishing the  
29 conditions for the revocation of the charters, as well as an appeals process;

1 permitting county boards to recover certain property from former public charter  
2 schools; providing for certain transportation responsibilities, the length of school  
3 days, attendance, withdrawal and discipline of students, and complaint  
4 procedures relating to public charter schools; requiring the State Board to  
5 submit an evaluation and report concerning public charter schools by a certain  
6 date; defining certain terms; and generally relating to the establishment of  
7 public charter schools in the State.

8 BY repealing and reenacting, without amendments,  
9 Article - Education  
10 Section 1-101(d), (e), (f), and (l)  
11 Annotated Code of Maryland  
12 (2001 Replacement Volume and 2002 Supplement)

13 BY adding to  
14 Article - Education  
15 Section 9-101 through 9-115, inclusive, to be under the new title "Title 9. Public  
16 Charter School Program"  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Education**

22 1-101.

23 (d) "County board" means the board of education of a county and includes the  
24 Baltimore City Board of School Commissioners.

25 (e) (1) "County superintendent" means the county superintendent of schools  
26 of a county.

27 (2) "County superintendent" includes the Chief Executive Officer of the  
28 Baltimore City Board of School Commissioners and the Chief Executive Officer of the  
29 New Prince George's County Board of Education.

30 (f) "Department" means the State Department of Education.

31 (l) "State Board" means the State Board of Education.

32 **TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.**

33 9-101.

34 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 (B) "APPLICANT" MEANS A PERSON OR ENTITY THAT APPLIES FOR A CHARTER,  
2 INCLUDING:

- 3 (1) AN INDIVIDUAL OR GROUP OF INDIVIDUALS;
- 4 (2) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;
- 5 (3) AN EXISTING PUBLIC SCHOOL;
- 6 (4) A NONPROFIT CORPORATION; OR
- 7 (5) ANY COMBINATION OF PERSONS OR ENTITIES SPECIFIED IN ITEMS  
8 (1) THROUGH (4) OF THIS PARAGRAPH.

9 (C) "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC ELEMENTARY OR  
10 SECONDARY SCHOOL THAT:

- 11 (1) IS CREATED IN ACCORDANCE WITH § 9-104 OF THIS SUBTITLE;
- 12 (2) IS DEVELOPED AS A NEW PUBLIC SCHOOL OR IS ADAPTED FROM AN  
13 EXISTING PUBLIC SCHOOL UNDER THIS TITLE;
- 14 (3) IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;
- 15 (4) HAS A SET OF EDUCATIONAL GOALS ON WHICH THE APPLICANT AND  
16 THE PUBLIC SCHOOL CHARTERING AUTHORITY AGREE;
- 17 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY  
18 EDUCATION, OR BOTH;
- 19 (6) IS NONSECTARIAN AND NONRELIGIOUS IN ITS EDUCATIONAL  
20 PROGRAM, ADMISSIONS POLICIES, EMPLOYMENT POLICIES, AND OPERATIONS;
- 21 (7) IS TUITION-FREE;
- 22 (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING  
23 DISCRIMINATION;
- 24 (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY  
25 LAWS;
- 26 (10) IS EXEMPT FROM ALL PROVISIONS OF THIS ARTICLE, AND ALL LOCAL  
27 SCHOOL DISTRICT LAWS OR REGULATIONS, EXCEPT AS SPECIFIED IN THIS TITLE,  
28 ALTHOUGH IT MAY CHOOSE TO COMPLY WITH ONE OR MORE PROVISIONS;
- 29 (11) IS NOT EXEMPT FROM ANY FEDERAL LAWS OR REGULATIONS  
30 APPLICABLE TO PUBLIC SCHOOLS IN THE STATE;
- 31 (12) MAY CONSIST OF A NEW SCHOOL OR ANY PORTION OF AN EXISTING  
32 PUBLIC SCHOOL; AND

1 (13) MAY BE LOCATED IN PART OF AN EXISTING PUBLIC SCHOOL  
2 BUILDING, IN A PRIVATE BUILDING, IN A PUBLIC BUILDING, OR ANY OTHER  
3 SUITABLE LOCATION.

4 (D) "CHARTER" MEANS A CONTRACT BETWEEN AN APPLICANT AND A PUBLIC  
5 SCHOOL CHARTERING AUTHORITY AND SHALL INCLUDE ALL AGREEMENTS  
6 BETWEEN THE PUBLIC CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING  
7 AUTHORITY THAT MAY BE AMENDED ONLY BY WRITTEN MUTUAL AGREEMENT,  
8 INCLUDING:

9 (1) MATTERS RELATING TO THE OPERATION OF THE SCHOOL,  
10 INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE  
11 RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION  
12 OF GIFTS AND GRANTS;

13 (2) AUDIT REQUIREMENTS;

14 (3) A PERFORMANCE AGREEMENT REQUIRING THAT THE ACADEMIC  
15 ACHIEVEMENT OF THE STUDENTS ENROLLED AT A PUBLIC CHARTER SCHOOL BE  
16 MEASURED ACCORDING TO:

17 (I) STATE AND FEDERAL TESTING ASSESSMENTS REQUIRED FOR  
18 OTHER PUBLIC SCHOOLS; AND

19 (II) OTHER ASSESSMENTS MUTUALLY AGREED TO BY THE PUBLIC  
20 CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING AUTHORITY; AND

21 (4) A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE  
22 IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE  
23 IMPLEMENTED.

24 (E) "PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS ONE OF THE  
25 FOLLOWING:

26 (1) THE STATE BOARD;

27 (2) A COUNTY BOARD OF THE COUNTY IN WHICH THE PROPOSED PUBLIC  
28 CHARTER SCHOOL IS LOCATED;

29 (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

30 (4) ANY OTHER ENTITY DESIGNATED BY THE STATE BOARD AS A PUBLIC  
31 SCHOOL CHARTERING AUTHORITY.

32 9-102.

33 THE GENERAL ASSEMBLY FINDS THAT CHARTER SCHOOLS, AS PART OF THE  
34 PROGRAM OF PUBLIC EDUCATION OFFERED IN THE STATE CAN:

35 (1) PROVIDE INNOVATIVE AND AUTONOMOUS LEARNING PROGRAMS;

- 1           (2)     OFFER PUBLIC SCHOOL STUDENTS APPROPRIATE AND INNOVATIVE  
2 CHOICES;
- 3           (3)     AFFORD VARIED OPPORTUNITIES FOR PROFESSIONAL EDUCATORS;
- 4           (4)     ALLOW PUBLIC SCHOOLS FREEDOM AND FLEXIBILITY IN EXCHANGE  
5 FOR EXCEPTIONAL LEVELS OF ACCOUNTABILITY; AND
- 6           (5)     PROVIDE PARENTS, STUDENTS, COMMUNITY MEMBERS, AND LOCAL  
7 ENTITIES WITH AN EXPANDED OPPORTUNITY FOR INVOLVEMENT IN THE PUBLIC  
8 SCHOOL SYSTEM.

9 9-103.

10    (A)     A PUBLIC SCHOOL CHARTERING AUTHORITY:

- 11           (1)     MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER  
12 SCHOOLS;
- 13           (2)     SHALL DISSEMINATE INFORMATION CONCERNING THE  
14 ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS;
- 15           (3)     MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:
- 16                   (I)     A PRIVATE SCHOOL;
- 17                   (II)    A PAROCHIAL SCHOOL; OR
- 18                   (III)   A HOME SCHOOL; AND
- 19           (4)     MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A  
20 PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS AND ESTABLISH A DATE BY  
21 WHICH A REMEDIAL PLAN MUST BE IMPLEMENTED:
- 22                   (I)     IF THE SCHOOL HAS NOT FULFILLED A CONDITION IMPOSED  
23 BY THE PUBLIC SCHOOL CHARTERING AUTHORITY IN CONNECTION WITH THE  
24 GRANTING OF THE CHARTER;
- 25                   (II)    IF THE SCHOOL HAS MATERIALLY VIOLATED A CONDITION,  
26 STANDARD, OR PROCEDURE OF THE CHARTER;
- 27                   (III)   IF THE SCHOOL HAS VIOLATED ANY REGULATION ADOPTED  
28 UNDER THIS TITLE, OR OF ANY OTHER LAW THAT RELATES TO A PUBLIC CHARTER  
29 SCHOOL;
- 30                   (IV)   IF THE SCHOOL FAILS TO MEET GENERALLY ACCEPTED  
31 STANDARDS OF FISCAL MANAGEMENT;
- 32                   (V)     IF THE SCHOOL FAILS TO MEET THE STUDENT ACADEMIC  
33 PERFORMANCE REQUIREMENTS CONTAINED IN THE CHARTER; OR

1 (VI) IF TWO-THIRDS OF THE FACULTY AND INSTRUCTIONAL  
2 SUPPORT PERSONNEL AT THE SCHOOL REQUEST THAT THE CHARTER BE REVOKED.

3 (B) (1) IF THE REMEDIAL PLAN IS SUCCESSFUL, THE PUBLIC SCHOOL  
4 CHARTERING AUTHORITY:

5 (I) MAY RENEW THE CHARTER FOR ANOTHER 5-YEAR PERIOD; OR

6 (II) REEVALUATE THE CHARTER AFTER AT LEAST 1 YEAR BUT NOT  
7 MORE THAN 2 YEARS UNDER THE REMEDIAL PLAN, FOR RENEWAL FOR A 5-YEAR  
8 PERIOD.

9 (2) IF THE REMEDIAL PLAN IS UNSUCCESSFUL, THE PUBLIC SCHOOL  
10 CHARTERING AUTHORITY MAY REVOKE THE CHARTER, AFTER FIRST GIVING THE  
11 CHARTER SCHOOL NOTICE IN WRITING 90 DAYS BEFORE REVOCATION.

12 (3) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY REVOKES THE  
13 CHARTER, THE REMAINING FUNDS ALLOCATED BY THE STATE BOARD OR COUNTY  
14 BOARD FOR THE ENROLLED STUDENTS SHALL REVERT TO THE BOARD THAT  
15 DISBURSED THE FUNDS TO THE PUBLIC CHARTER SCHOOL.

16 (4) (I) THE PUBLIC CHARTER SCHOOL MAY APPEAL IN WRITING THE  
17 REVOCATION TO THE STATE BOARD WITHIN 30 DAYS OF THE PUBLIC SCHOOL  
18 CHARTERING AUTHORITY'S DECISION, AND MUST SEND A COPY OF ITS APPEAL TO  
19 THE PUBLIC SCHOOL CHARTERING AUTHORITY AT THE SAME TIME.

20 (II) ANY RESPONSE FROM THE PUBLIC SCHOOL CHARTERING  
21 AUTHORITY SHALL BE SUBMITTED IN WRITING TO THE STATE BOARD WITHIN 15  
22 DAYS AFTER NOTIFICATION OF THE APPEAL.

23 (III) THE STATE BOARD HAS 60 DAYS FROM THE TIME IT RECEIVES  
24 THE APPLICANT'S APPEAL TO REJECT OR ACCEPT THE DECISION OF THE PUBLIC  
25 SCHOOL CHARTERING AUTHORITY.

26 (C) AFTER THE FIRST 5 YEARS OF THE CHARTER, THE PUBLIC SCHOOL  
27 CHARTERING AUTHORITY SHALL CONDUCT AN EVALUATION OF THE CHARTER BY  
28 WHICH IT SHALL:

29 (1) APPROVE THE CHARTER FOR ANOTHER 5-YEAR PERIOD;

30 (2) PLACE THE PUBLIC CHARTER SCHOOL ON PROBATION IF ANY OF  
31 THE CONDITIONS LISTED UNDER PARAGRAPH (A)(4) OF THIS SUBSECTION OCCUR; OR

32 (3) REVOKE THE CHARTER AND DISSOLVE IT UNDER THE PROVISIONS  
33 OF LAW.

34 (D) (1) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL BE  
35 RESPONSIBLE FOR OVERSIGHT OF THE PUBLIC CHARTER SCHOOL.

1 (2) EACH PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL  
2 REPORT TO:

3 (I) THE PUBLIC SCHOOL CHARTERING AUTHORITY; AND

4 (II) EACH PARENT OR GUARDIAN OF THE PUBLIC CHARTER  
5 SCHOOL'S ENROLLED STUDENTS.

6 (3) THE ANNUAL REPORT SHALL INCLUDE AT LEAST THE FOLLOWING  
7 COMPONENTS:

8 (I) DISCUSSION OF PROGRESS MADE TOWARD THE ACHIEVEMENT  
9 OF THE GOALS SET FORTH IN THE CHARTER; AND

10 (II) A FINANCIAL STATEMENT SETTING FORTH BY APPROPRIATE  
11 CATEGORIES EXPENDITURES FOR THE SCHOOL YEAR JUST ENDED.

12 (E) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY CONDUCT A  
13 FINANCIAL, PROGRAMMATIC, OR COMPLIANCE AUDIT OF A PUBLIC CHARTER  
14 SCHOOL.

15 9-104.

16 (A) A PUBLIC SCHOOL CHARTERING AUTHORITY SHALL PUBLISH AN  
17 APPLICATION PROCESS FOR AN APPLICANT TO FOLLOW WHEN APPLYING FOR A  
18 CHARTER TO ESTABLISH A PUBLIC CHARTER SCHOOL.

19 (B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:

20 (1) IDENTIFICATION OF THE APPLICANT;

21 (2) A STATEMENT DEFINING THE MISSION, ORGANIZATIONAL  
22 STRUCTURE, AND GOVERNANCE PLAN, INCLUDING THE FOLLOWING:

23 (I) MISSION STATEMENT OF THE PROPOSED PUBLIC CHARTER  
24 SCHOOL;

25 (II) CURRICULUM AND INSTRUCTIONAL METHODS;

26 (III) METHODS OF PUPIL ASSESSMENT AND MOTIVATION;

27 (IV) NAME OF THE SCHOOL, WHICH MUST INCLUDE THE PHRASE  
28 "PUBLIC CHARTER SCHOOL" IN ITS NAME;

29 (V) ADMISSIONS POLICY;

30 (VI) SCOPE, SIZE, GRADE LEVEL, AND ENROLLMENT OF THE  
31 PROPOSED PUBLIC CHARTER SCHOOL;

1 (VII) BYLAWS AND REGULATIONS OF THE PROPOSED PUBLIC  
2 CHARTER SCHOOL, INCLUDING EMPLOYMENT CONTRACT FOR PROSPECTIVE  
3 EMPLOYEES;

4 (VIII) THE STRUCTURE OF THE GOVERNING BOARD, INCLUDING:

5 1. THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND

6 2. THE METHOD OF APPOINTMENT OR ELECTION OF THE  
7 MEMBERS;

8 (IX) THE EFFECTIVE DATE OF THE PUBLIC CHARTER SCHOOL; AND

9 (X) THE SPECIFIED NUMBER OF SCHOOL DAYS AND HOURS OF  
10 OPERATION.

11 (C) IF THE APPLICATION IS DENIED BY A PUBLIC SCHOOL CHARTERING  
12 AUTHORITY UNDER § 9-101(E)(2) OR (E)(3), THE APPLICANT MAY APPEAL THE  
13 DECISION TO THE STATE BOARD IN THE MANNER PROVIDED UNDER § 9-107 OF THIS  
14 TITLE.

15 (D) IF APPROVED, A CHARTER GRANTED BY THE PUBLIC SCHOOL  
16 CHARTERING AUTHORITY SHALL BE VALID FOR 5 YEARS.

17 (E) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL DEVELOP  
18 GUIDELINES AND RULES FOR THE RENEWAL OF A SCHOOL'S CHARTER, WHICH SHALL  
19 INCLUDE AN EVALUATION OF:

20 (1) THE COSTS OF INSTRUCTION, ADMINISTRATION, AND  
21 TRANSPORTATION INCURRED BY THE ENROLLMENT IN CHARTER SCHOOLS; AND

22 (2) THE EFFECT OF ENROLLMENT IN PUBLIC CHARTER SCHOOLS ON  
23 SCHOOL DISTRICTS AND ON TEACHERS, STUDENTS, AND PARENTS IN THOSE  
24 DISTRICTS.

25 (F) THE PUBLIC SCHOOL CHARTERING AUTHORITY'S GUIDELINES AND RULES  
26 FOR RENEWAL OF A SCHOOL CHARTER MAY ALSO INCLUDE AN EVALUATION OF:

27 (1) STUDENT SCORES ON ASSESSMENT TESTS;

28 (2) STUDENT ATTENDANCE;

29 (3) STUDENT GRADES;

30 (4) INCIDENTS INVOLVING STUDENT DISCIPLINE;

31 (5) SOCIOECONOMIC DATA ON STUDENT FAMILIES;

32 (6) PARENT SATISFACTION WITH THE CHARTER SCHOOL; AND

33 (7) STUDENT SATISFACTION WITH THE CHARTER SCHOOL.

1 9-105.

2 (A) THERE SHALL BE NO LIMIT TO THE NUMBER OF PUBLIC CHARTER  
3 SCHOOLS THAT MAY BE ESTABLISHED IN THE STATE.

4 (B) A PUBLIC SCHOOL CHARTERING AUTHORITY SHALL ADOPT REGULATIONS  
5 NECESSARY TO IMPLEMENT THIS SECTION, INCLUDING TIMELINES FOR CHARTER  
6 SCHOOL APPLICATION AND APPROVAL.

7 (C) (1) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL REVIEW THE  
8 APPLICATION AND RENDER A DECISION WITHIN 60 DAYS OF RECEIPT OF THE  
9 APPLICATION.

10 (2) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY DELAY  
11 RENDERING A DECISION FOR AN ADDITIONAL 60 DAYS FOR CAUSE.

12 (3) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY USE THE  
13 SERVICES OF A CONSULTANT IN THE EVALUATION OF THE APPLICATION.

14 (D) (1) AN EXISTING PUBLIC SCHOOL MAY CONVERT TO A PUBLIC CHARTER  
15 SCHOOL.

16 (2) (I) THE STATE BOARD OR THE COUNTY BOARD SHALL DETERMINE  
17 WHETHER TO ALLOW AN EXISTING PUBLIC SCHOOL TO CONVERT TO A PUBLIC  
18 CHARTER SCHOOL.

19 (II) IF THE COUNTY BOARD IS THE PUBLIC SCHOOL CHARTERING  
20 AUTHORITY, THE COUNTY BOARD SHALL DETERMINE WHETHER TO ALLOW AN  
21 EXISTING PUBLIC SCHOOL TO CONVERT TO A PUBLIC CHARTER SCHOOL BY A  
22 MAJORITY VOTE OF THE COUNTY BOARD.

23 (III) IF THE STATE BOARD OR AN ENTITY DESIGNATED BY THE  
24 STATE BOARD IS THE PUBLIC SCHOOL CHARTERING AUTHORITY, THE APPLICANT  
25 REQUESTING THE CONVERSION OF AN EXISTING PUBLIC SCHOOL TO A PUBLIC  
26 CHARTER SCHOOL MUST PROVIDE THE STATE BOARD OR DESIGNATED ENTITY WITH  
27 A PETITION REQUESTING CONVERSION SIGNED BY A MAJORITY OF THE FACULTY OR  
28 INSTRUCTIONAL STAFF OF THE EXISTING PUBLIC SCHOOL AND A MAJORITY OF THE  
29 PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE EXISTING PUBLIC  
30 SCHOOL.

31 (3) AN EMPLOYEE OF A PUBLIC SCHOOL CONVERTED TO A PUBLIC  
32 CHARTER SCHOOL WHO IS NOT EMPLOYED BY THE PUBLIC CHARTER SCHOOL SHALL  
33 BE ACCORDED THE RIGHTS AVAILABLE TO THE EMPLOYEE UNDER THE PROVISIONS  
34 OF A COLLECTIVE BARGAINING AGREEMENT AND SHALL, TO THE EXTENT  
35 PERMISSIBLE UNDER A COLLECTIVE BARGAINING AGREEMENT, BE GIVEN  
36 PREFERENCE IN FILLING POSITIONS IN THE SCHOOL DISTRICT.

37 (4) AN EMPLOYEE OF A PUBLIC SCHOOL CONVERTED TO PUBLIC  
38 CHARTER SCHOOL STATUS WHO IS EMPLOYED BY THE PUBLIC CHARTER SCHOOL  
39 SHALL NOT REMAIN PART OF ANY COLLECTIVE BARGAINING UNIT THAT

1 REPRESENTED EMPLOYEES OF THE SCHOOL WHILE STILL PART OF THE SCHOOL  
2 DISTRICT.

3 (5) AN EMPLOYEE OF THE COUNTY BOARD WHO WORKS AT A PUBLIC  
4 CHARTER SCHOOL MAY CHOOSE TO RECEIVE THE SAME BENEFITS OF AN EMPLOYEE  
5 AT A TRADITIONAL PUBLIC SCHOOL INCLUDING:

6 (I) RETIREMENT BENEFITS;

7 (II) HEALTH CARE BENEFITS; AND

8 (III) ANY OTHER BENEFITS MANDATED BY THE PUBLIC SCHOOL  
9 CHARTERING AUTHORITY.

10 (6) (I) ANY TEACHER EMPLOYED BY THE COUNTY BOARD MAY  
11 CHOOSE TO BE AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL AND SHALL HAVE THE  
12 OPTION TO ORGANIZE A COLLECTIVE BARGAINING UNIT.

13 (II) A BARGAINING UNIT AT A PUBLIC CHARTER SCHOOL SHALL BE  
14 SEPARATE FROM OTHER BARGAINING UNITS.

15 (III) A PUBLIC CHARTER SCHOOL TEACHER MAY NOT BE A MEMBER  
16 OF MORE THAN ONE BARGAINING UNIT.

17 (IV) A TEACHER IN A PUBLIC CHARTER SCHOOL SHALL WITHDRAW  
18 FROM ANY BARGAINING UNIT WITH WHICH THAT TEACHER MAY HAVE BEEN  
19 PREVIOUSLY AFFILIATED.

20 (7) A CHARTER SCHOOL EMPLOYEE IN AN INSTRUCTIONAL POSITION  
21 SHALL POSSESS:

22 (I) APPROPRIATE MARYLAND CERTIFICATION; OR

23 (II) QUALIFIED ALTERNATIVE CERTIFICATION.

24 (8) THE STATE BOARD SHALL ESTABLISH A QUALIFIED ALTERNATIVE  
25 CERTIFICATION PROGRAM WHICH INCLUDES:

26 (I) ALTERNATIVE REQUIREMENTS OF CERTIFICATION AVAILABLE  
27 FOR CANDIDATES AT ANY GRADE LEVEL AND IN ALL DISCIPLINES; AND

28 (II) ALLOWING A CANDIDATE, UNDER THE SUPERVISION OF A  
29 MENTOR TEACHER, TO COMMENCE EMPLOYMENT AS A TEACHER HOLDING A  
30 LIMITED STANDARD OF CERTIFICATION.

31 9-106.

32 (A) IF THE SCHOOL CAN DEMONSTRATE THAT THE WAIVER WILL ADVANCE  
33 THE EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL, A PUBLIC CHARTER  
34 SCHOOL SHALL RECEIVE A WAIVER OF:

1 (1) ANY OTHER STATE LAW OR REGULATION PERTAINING TO PUBLIC  
2 EDUCATION NOT CONTAINED IN THIS ARTICLE; OR

3 (2) ANY LOCAL LAW OR REGULATION PERTAINING TO PUBLIC  
4 EDUCATION.

5 (B) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE A WAIVER OF A  
6 REGULATION OR REQUIREMENT PERTAINING TO THE CIVIL RIGHTS OR THE HEALTH  
7 AND SAFETY OF A STUDENT OR EMPLOYEE.

8 9-107.

9 (A) (1) THE COUNTY BOARD SHALL RECEIVE AND REVIEW ALL  
10 APPLICATIONS FOR A PUBLIC CHARTER SCHOOL IN ITS COUNTY.

11 (2) IF THE CHARTER IS DENIED, THE PUBLIC SCHOOL CHARTERING  
12 AUTHORITY SHALL PROVIDE IN WRITING THE REASONS FOR THE DENIAL.

13 (3) (I) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY IS THE  
14 COUNTY BOARD, A PUBLIC INSTITUTION OF HIGHER EDUCATION OR AN ENTITY  
15 DESIGNATED BY THE STATE BOARD, THE APPLICANT MAY APPEAL THE DENIAL OF  
16 THE APPLICATION OR THE IMPOSITION OF UNREASONABLE REQUIREMENTS OR  
17 CONDITIONS TO THE STATE BOARD NO LATER THAN 30 CALENDAR DAYS AFTER THE  
18 RECEIPT OF THE PUBLIC SCHOOL CHARTERING AUTHORITY'S DECISION.

19 (II) IN ADDITION TO THE REQUIREMENTS CONTAINED IN THIS  
20 TITLE, THE STATE BOARD MAY ESTABLISH REGULATIONS DEFINING THE APPEAL  
21 PROCESS CONSISTENT WITH THIS TITLE.

22 (4) ANY RESPONSE FROM THE PUBLIC SCHOOL CHARTERING  
23 AUTHORITY SHALL BE SUBMITTED IN WRITING TO THE STATE BOARD WITHIN 15  
24 DAYS AFTER NOTIFICATION OF THE APPEAL.

25 (5) THE STATE BOARD HAS 60 DAYS FROM THE TIME IT RECEIVES THE  
26 APPLICANT'S APPEAL TO REJECT OR ACCEPT THE DECISION OF THE PUBLIC SCHOOL  
27 CHARTERING AUTHORITY.

28 (6) THE STATE BOARD'S DECISION TO APPROVE OR DENY THE  
29 APPLICATION IS FINAL AND BINDING, EXCEPT AS PROVIDED FOR IN PARAGRAPH (9)  
30 OF THIS SUBSECTION.

31 (7) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY DENIES AN  
32 APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL AND THE STATE BOARD  
33 REVERSES THE DECISION, THE STATE BOARD SHALL BE THE PUBLIC SCHOOL  
34 CHARTERING AUTHORITY.

35 (8) IF THE STATE BOARD IS THE PUBLIC SCHOOL CHARTERING  
36 AUTHORITY, ITS DECISION ON THE APPLICATION FOR A CHARTER IS FINAL AND  
37 BINDING, EXCEPT AS PROVIDED FOR IN PARAGRAPH (9) OF THIS SUBSECTION.

1 (9) AN APPLICANT THAT IS DENIED A CHARTER MAY REAPPLY FOR A  
2 CHARTER TO ANY PUBLIC SCHOOL CHARTERING AUTHORITY AFTER 1 YEAR FROM  
3 THE DECISION OF:

4 (I) THE COUNTY BOARD;

5 (II) THE STATE BOARD;

6 (III) A PUBLIC INSTITUTION OF HIGHER EDUCATION; OR

7 (IV) AN ENTITY DESIGNATED BY THE STATE BOARD.

8 9-108.

9 (A) (1) A PUBLIC CHARTER SCHOOL IS AN INDEPENDENT LEGAL ENTITY  
10 THAT IS RESPONSIBLE FOR THE MANAGEMENT AND OPERATION OF ITS FISCAL  
11 AFFAIRS INCLUDING, BUT NOT LIMITED TO, THE PREPARATION OF ITS OWN BUDGET.

12 (2) THE PUBLIC CHARTER SCHOOL HAS COMPLETE FISCAL CONTROL  
13 OVER THE FUNDS RECEIVED BY THE PUBLIC CHARTER SCHOOL.

14 (B) A PUBLIC CHARTER SCHOOL CAN:

15 (1) SUE AND BE SUED IN ITS OWN NAME, AND ITS EMPLOYEES SHALL  
16 ENJOY THE SAME IMMUNITIES AS EMPLOYEES AND OFFICERS OF PUBLIC SCHOOL  
17 DISTRICTS AND OTHER PUBLIC SCHOOLS;

18 (2) ACQUIRE REAL AND PERSONAL PROPERTY OR AN INTEREST IN REAL  
19 AND PERSONAL PROPERTY BY PURCHASE, GIFT, GRANT, DEVISE, OR BEQUEST;

20 (3) MANAGE THE IMPLEMENTATION OF ITS APPROVED EDUCATION  
21 PROGRAM;

22 (4) RECEIVE AND DISBURSE FUNDS FOR PUBLIC CHARTER SCHOOL  
23 PURPOSES; AND

24 (5) HIRE, MANAGE, AND TERMINATE ANY SCHOOL EMPLOYEE IN  
25 ACCORDANCE WITH THE TERMS OF ITS PERSONNEL POLICIES OR ANY COLLECTIVE  
26 BARGAINING AGREEMENT IT NEGOTIATES WITH ITS EMPLOYEES.

27 9-109.

28 (A) (1) A PUBLIC CHARTER SCHOOL MAY CHOOSE TO SPECIALIZE IN  
29 PROVIDING SERVICES TO CHILDREN WHO ATTEND PUBLIC SCHOOLS THAT HAVE  
30 BEEN DETERMINED BY THE COUNTY BOARD TO BE UNDERPERFORMING AND WHO  
31 REQUEST TO TRANSFER TO A PUBLIC CHARTER SCHOOL IN THE LOCAL SCHOOL  
32 DISTRICT.

33 (2) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL ESTABLISH A  
34 PROCEDURE FOR THE SELECTION OF STUDENTS TO ATTEND THE SCHOOL BY THE  
35 USE OF A LOTTERY OR ANY OTHER PROCESS DEEMED APPROPRIATE IF MORE

1 STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES  
2 AVAILABLE.

3 (B) A PUBLIC CHARTER SCHOOL SHALL GIVE PRIORITY IN ENROLLMENT TO:

4 (1) A SIBLING OF A STUDENT WHO ATTENDS THE SCHOOL;

5 (2) IF AN EXISTING PUBLIC SCHOOL CONVERTS TO A PUBLIC CHARTER  
6 SCHOOL UNDER § 9-105 OF THIS TITLE, A STUDENT WITHIN THE SCHOOL  
7 ATTENDANCE AREA AS IT IS DETERMINED BY THE COUNTY BOARD; AND

8 (3) IF THE SCHOOL IS ESTABLISHED IN WHOLE OR IN PART BY A PARENT  
9 OR GUARDIAN OF A CHILD WHO ATTENDS A PUBLIC SCHOOL IN THE COUNTY, THE  
10 CHILD OF THAT PARENT OR GUARDIAN.

11 9-110.

12 (A) THE STATE BOARD OR A COUNTY BOARD MAY:

13 (1) LEASE OR SELL PROPERTY TO A PUBLIC CHARTER SCHOOL; OR

14 (2) LEASE SPACE WITHIN AN EXISTING PUBLIC SCHOOL FOR THE USE  
15 BY THE PUBLIC CHARTER SCHOOL.

16 (B) A PUBLIC CHARTER SCHOOL MAY OBTAIN, LEASE, OR BUY PROPERTY FOR  
17 THE SCHOOL.

18 (C) THE FACILITY THAT CONTAINS A PUBLIC CHARTER SCHOOL:

19 (1) SHALL CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL  
20 FACILITIES, UNLESS A WAIVER IS GRANTED BY THE STATE BOARD OR THE COUNTY  
21 BOARD; BUT

22 (2) MAY NOT RECEIVE A WAIVER OF HEALTH OR SAFETY REGULATIONS.

23 9-111.

24 (A) (1) A COUNTY BOARD SHALL FUND STUDENTS ENROLLED IN A PUBLIC  
25 CHARTER SCHOOL, REGARDLESS OF THE SPONSORSHIP, AT THE SAME RATE AS  
26 STUDENTS ENROLLED IN OTHER PUBLIC SCHOOLS IN THE SCHOOL DISTRICT.

27 (2) THE AMOUNT PAID BY A COUNTY BOARD UNDER PARAGRAPH (1) OF  
28 THIS SUBSECTION SHALL INCLUDE THE STATE SHARE OF BASIC CURRENT  
29 EXPENSES, CALCULATED IN ACCORDANCE WITH § 5-202 OF THIS ARTICLE.

30 (3) A PUBLIC CHARTER SCHOOL MAY NEGOTIATE WITH A COUNTY  
31 BOARD FOR ADDITIONAL FUNDING.

32 (B) THE STATE BOARD OR THE COUNTY BOARD MAY MAKE A GRANT TO A  
33 PUBLIC CHARTER SCHOOL TO PAY FOR THE START-UP COSTS OF ACQUIRING

1 EDUCATIONAL MATERIALS AND SUPPLIES, TEXTBOOKS, FURNITURE, AND OTHER  
2 EQUIPMENT NEEDED DURING THE INITIAL TERM.

3 (C) (1) A PUBLIC CHARTER SCHOOL SHALL RECEIVE COUNTY, STATE, AND  
4 FEDERAL FUNDS FOR EACH STUDENT ENROLLED IN THE SCHOOL IN THE SAME  
5 MANNER THAT THE OTHER PUBLIC SCHOOLS IN THE COUNTY RECEIVE THESE  
6 FUNDS.

7 (2) STATE AND FEDERAL FUNDS SHALL BE DISBURSED DIRECTLY TO  
8 THE PUBLIC CHARTER SCHOOL.

9 9-112.

10 THE SCHOOL DISTRICT:

11 (1) SHALL BE RESPONSIBLE FOR THE TRANSPORTATION OF THE  
12 STUDENTS TO AND FROM THE SCHOOL; OR

13 (2) SHALL PROVIDE PAYMENT EQUAL TO THE AVERAGE COST PER  
14 STUDENT FOR TRANSPORTATION.

15 9-113.

16 (A) A PUBLIC CHARTER SCHOOL MAY PROVIDE A SCHOOL DAY THAT IS  
17 LONGER THAN THE SCHOOL DAY IN OTHER PUBLIC SCHOOLS WITHIN THE DISTRICT.

18 (B) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE MINIMUM  
19 REQUIREMENTS SET FORTH IN § 7-103 OF THIS ARTICLE FOR THE SCHOOL  
20 CALENDAR.

21 9-114.

22 (A) A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO  
23 ATTEND A PUBLIC CHARTER SCHOOL.

24 (B) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY  
25 TIME.

26 (C) (1) A PRINCIPAL OF A PUBLIC CHARTER SCHOOL MAY SUSPEND A  
27 STUDENT AT THE SCHOOL FOR CAUSE FOR NOT MORE THAN 10 CONSECUTIVE  
28 SCHOOL DAYS.

29 (2) AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER  
30 SCHOOL, THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY FOR CAUSE:

31 (I) SUSPEND A STUDENT AT A PUBLIC CHARTER SCHOOL FOR A  
32 PERIOD OF MORE THAN 10 CONSECUTIVE DAYS; OR

33 (II) EXPEL THE STUDENT FROM THE PUBLIC CHARTER SCHOOL.

1           (3)     A STUDENT ENROLLED IN A PUBLIC CHARTER SCHOOL WHO HAS  
2 BEEN PLACED ON SUSPENSION FOR A PERIOD OF MORE THAN 10 CONSECUTIVE  
3 SCHOOL DAYS OR HAS BEEN EXPELLED MAY ENROLL IN A PUBLIC SCHOOL IN THE  
4 COUNTY IN WHICH THE STUDENT RESIDES.

5           (4)     IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE  
6 REMAINING FUNDS ALLOCATED BY THE STATE BOARD OR THE COUNTY BOARD FOR  
7 THE STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE BOARD  
8 THAT DISBURSED THE FUNDS TO THE PUBLIC CHARTER SCHOOL.

9 9-115.

10        (A)     A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS  
11 VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC  
12 CHARTER SCHOOL.

13        (B)     IF THE COMPLAINT IS NOT RESOLVED BY THE PUBLIC CHARTER SCHOOL  
14 TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT  
15 THE COMPLAINT TO THE PUBLIC SCHOOL CHARTERING AUTHORITY.

16        (C)     (1)    IF DISSATISFIED WITH THE PUBLIC SCHOOL CHARTERING  
17 AUTHORITY DECISION, THE COMPLAINANT MAY APPEAL THE DECISION OF THE  
18 PUBLIC SCHOOL CHARTERING AUTHORITY TO THE STATE BOARD.

19           (2)     THE DECISION OF THE STATE BOARD ON AN APPEAL UNDER  
20 PARAGRAPH (1) OF THIS SUBSECTION IS FINAL.

21        SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
22 2006, based on information gathered from the county boards of education, the Board  
23 of School Commissioners of Baltimore City, and the public, the State Board of  
24 Education shall submit to the General Assembly, in accordance with § 2-1246 of the  
25 State Government Article, a report on and an evaluation of the public charter school  
26 program. The report shall include a recommendation on the advisability of the  
27 continuation, modification, expansion, or termination of the program.

28        SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2003.